



**System Wide Information Management (SWIM)
Organizational Conflict of Interest
Mitigation Plan**

**July 26, 2010
Revision 1**

Approved by *Dennis L. Scanlon* Date *July 28, 2010*
Dennis Scanlon, Contracting Officer

Submitted By *Ahmad Usmani* Date *7/28/10*
Ahmad Usmani, SWIM Program Manager

Federal Aviation Administration
800 Independence Avenue SW
Washington, DC 20591

Summary of the SWIM Organizational Conflict of Interest Plan

The purpose of this document is to set forth a plan to avoid, neutralize or mitigate Organizational Conflicts of Interest (OCI) in the SWIM program. The policy of the FAA is to avoid contracting with contractors who have unacceptable organizational conflicts of interest. An organizational conflict of interest means that because of existing or planned activities, the contractor is unable or potentially unable to render impartial assistance to the Agency, has an unfair competitive advantage, or its objectivity toward the Agency is, or might be impaired.

The System-Wide Information Management (SWIM) program is committed to working with contractors to identify actual and potential OCI situations, and if possible, to eliminate or mitigate them to protect the integrity of the competitive procurement process, the mission of the FAA, and the legitimate business interests of the contracting community.

A combination of methodologies will be used to ensure that a comprehensive and practical approach is adopted to minimize the possibility of an OCI occurring. This document will be reviewed and updated periodically as the needs of the program change. The steps the FAA intends to take in regards to this program are:

- Compartmentalize sensitive information development, such as requirements definition development, by using separate contracts when possible,
- Publish key SWIM architecture, requirements, trade studies and other documents on the SWIM public website,
- Solicit comments from industry and the public at key stages of the SWIM development cycle,
- Utilize recognized industry associations and forums, such as GEIA, RTCA and ATMAC, for input regarding development of the SWIM requirements and for review of SWIM standards and documentation to ensure the widest opportunity for comments from interested industry parties,
- Focus industry efforts on discrete segments of the SWIM development cycle, such as concept exploration, alternative analysis, and architecture studies, but not including requirements definition activities. For example, assign industry work via a task order type contract that limits requirements definition work from any contractor that might also wish to compete in a later SWIM system procurement,
- Any Contractor that assists the FAA in SWIM acquisition activities, such as assisting in development of acquisition strategies, requirements definition, statement of work development, or other such activities from which it could benefit, shall be precluded from competing in a later SWIM system procurement,

- As part of the regular quarterly Project Management Reviews, assess the OCI status to confirm the effectiveness of Mitigation Plans and to make any necessary changes

Potential OCI Situations

In connection with the OCI Plan, the SWIM program office will analyze its planned acquisitions and its existing contracts to

- (a) Identify and evaluate potential OCI's as early in the acquisition process as possible, and
- (b) Avoid, neutralize or mitigate potential conflicts before contract award

Examples of Conflict Situations

The following examples illustrate situations in which potential OCI may occur. They are not all inclusive.

(1) **Unequal Access to Information** A contractor might gain access to "nonpublic information" as part of its performance of a contract that could give it a competitive advantage over other bidders in a later competition. Such an advantage could easily be perceived as unfair by a competing vendor who was not provided similar access to the non-public information. If the requirements of an FAA procurement anticipate the successful contractor may have access to non-public information, then the contractor must be required to submit an acceptable mitigation plan.

(2) **Biased Ground Rules.** A contractor in the course of performance of an FAA contract may assist in establishing important "ground rules" that will be used for another FAA contract and the same contractor may be a competitor for that later work. For example, a contractor may have drafted the statement of work, specifications, or evaluation criteria of a future FAA procurement. In this case, a contractor so situated could slant key aspects of the later procurement to its favor, thereby causing unfair disadvantage to other competitors. If the requirements of the FAA procurement anticipate that a contractor may be in a position to establish important ground rules, including but not limited to those described herein, the contractor shall be required to submit an acceptable mitigation plan.

(3) **Impaired Objectivity** A contractor in the course of performing an FAA contract is allowed to provide assessment and evaluation findings over itself or another business division or a subsidiary of itself, or another entity with which it has a significant financial relationship. In this case, the contractor's ability to render impartial advice to the FAA could appear to be undermined by the contractor's financial or other business relationship to the entity whose work it is evaluating. In this situation, where a "walling off" of lines of communication

proves insufficient, and if the requirements of the FAA procurement indicate that the contractor may be in a position to provide evaluations and assessments of itself or corporate siblings then the contractor shall provide a mitigation plan that includes recusal by the contractor from the affected contract work. Such recusal could include divestiture of the work to a third party vendor.

Program Approach Overview

SWIM is a segmented program and it will be incrementally developed and deployed. The first segment, Segment 1, will be deployed within the current NAS infrastructure utilizing current NAS contracts and contractors where possible. Note that Terminal Data Distribution System (TDDS) is not part of the current NAS infrastructure.

At this time, industry efforts will focus on Segment 1 execution and initial Segment 2 concept exploration, alternative analysis, and architecture studies leading to, but not including, Segment 2 requirements definition activities.

FAA Roles/Responsibilities

The SWIM Program Office will be responsible for providing overall guidance and direction regarding the SWIM Program. The Contracting Officer will review and is the approval source for this OCI Plan and any subsequent changes to this OCI Plan. All industry work will be performed under a task order contract. Deliverables from these efforts will be shared with industry in an open, equally available environment, to the maximum extent possible.

Contractor Roles/Responsibilities

Contractors supporting the SWIM program will be expected to develop and submit an OCI mitigation plan to the SWIM Contracting Officer for approval. Contractors are expected to monitor regularly their activities to ensure that actual and potential Conflicts of Interest are dealt with pro-actively. Contractors shall establish internal procedures to respond to OCI concerns, issues and incidents. Contractors shall train their employees to recognize and report potential issues or questions. Failure of a contractor to do so may result in compromise of the contractor's opportunity to participate in future SWIM related FAA acquisitions.